

07-01-01

1638

AMENDMENT TRANSMITTAL LETTER			CLIENT-MATTER NO.: 66654-670 (P-LJ 4868)	
SERIAL NO: 09/955,526	FILING DATE: September 12, 2001	EXAMINER: Cynthia Collins	GROUP ART UNIT:1638 CONFIRMATION NO.:8589	
INVENTION: PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME				

TO: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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DATE OF DEPOSIT: July 2, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
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Paul Chor

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

*Paul Chor*

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Transmitted herewith is a Response to the Restriction Requirement mailed June 2, 2003, in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27.
- ☐ Petition for Extension of Time is enclosed (in duplicate).
- ☐ Terminal Disclaimer with fee under 37 C.F.R. 1.20(d) is enclosed.
- ☒ No additional claims fee is required.
- ☐ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE			FEE	
							SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	25	-	46	-	0	x	\$9	\$18	=	\$0	\$
INDEPENDENT CLAIMS	6	-	10	-	0	x	\$42	\$84	=	\$0	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/> YES		<input checked="" type="checkbox"/> NO		\$140	\$280	=	\$0	\$
							TOTAL ADDITIONAL FEE			\$0	\$

\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

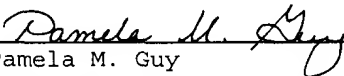
Inventor: John C. Reed  
Serial No.: 09/955,526  
Filed: September 12, 2001  
Page 2

— Please charge my Deposit Account No. 502624 the amount of \$\_\_\_\_\_, \$\_\_\_\_\_ of which covers the fee for a \_\_\_\_\_-month extension of time. A duplicate copy of this sheet is enclosed.

X The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.

X The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Pamela M. Guy  
Registration No. 51,228  
McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
858-535-9001



PATENT

Our Docket: 66654-670 (P-LJ 4868)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
John C. Reed  
  
Serial No: 09/955,526  
  
Filed: September 12, 2001  
  
For: PLANT CYTOPROTECTIVE  
GENES AND METHODS OF  
USING SAME

) Group Art Unit: 1638  
) Examiner: Cynthia Collins  
)

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) ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. Box 1450  
) Alexandria, VA 22313-1450.

) Paul Choi  
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

) Paul Choi  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO THE RESTRICTION REQUIREMENT

Responsive to the Office Action mailed  
June 2, 2003, consideration of the following remarks is  
respectfully requested.

REMARKS

Claims 22 to 46 are pending. The Examiner alleges that  
claims 22 to 46 are directed to three distinct and independent  
inventions set forth as Groups I to III as follows:

Group I: Claims 22 to 28, directed to an isolated  
nucleic acid molecule corresponding to  
SEQ ID NO:3 or encoding SEQ ID NO:4;

Group II: Claims 29 to 43, directed to a  
non-naturally occurring plant that